

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MATOYA ANN JONES, ALICIA
LASHAWN JONES, JIMMIE LEE NATHAN-
JONES and SHAWANA LATRICE NATHAN-
JONES, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DARLENE MARIE JONES,

Respondent-Appellant,

and

MELVIN FARRELL and JIMMIE NATHAN,

Respondents.

UNPUBLISHED

August 27, 1999

No. 210642

Wayne Juvenile Court

LC No. 94-314751

Before: Hoekstra, P.J., and O'Connell and R. J. Danhof*, JJ.

MEMORANDUM.

Respondent appeals as of right from a juvenile court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g); MSA 27.3178(598.19b)(3)(c)(i) and (g). We affirm.

The juvenile court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence demonstrated that respondent failed to procure adequate housing and income, as required by her treatment plan. Further, respondent failed to show that termination of

* Former Court of Appeals judge, sitting on the Court of Appeals by assignment.

her parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Thus, the juvenile court did not err in terminating respondent's parental rights to the children. *Id.* at 473-474.

Respondent also claims that the substitution of referees during the course of the termination proceedings requires reversal. However, reversal is not required unless actual prejudice resulting from the substitution is shown. *Brown v Swartz Creek Memorial Post 3720 - Veterans of Foreign Wars, Inc*, 214 Mich App 15, 21; 542 NW2d 588 (1995). The record indicates that the substitute referee reviewed all pertinent materials and was able to listen to audio recordings of the prior testimony in this matter, and that respondent had earlier consented to this procedure. Under the circumstances, we conclude that actual prejudice has not been shown.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Peter D. O'Connell
/s/ Robert J. Danhof